United Nations A/59/549

General Assembly

Distr.: General
2 November 2004

Original: English

Fifty-ninth session
Agenda item 121
Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

First performance report of the International Criminal Tribunal for Rwanda for the biennium 2004-2005

Report of the Secretary-General*

Summary

The first performance report of the International Criminal Tribunal for Rwanda for the biennium 2004-2005 is presented pursuant to General Assembly resolution 58/253 of 23 December 2003. The report reflects a net additional requirement of $18.2 million, net of staff assessment, over the initial appropriation for the biennium 2004-2005. The increased requirements reflect changes arising from variations to budgetary assumptions and the provision of resources for the Investigations Division for 2005. The Assembly is requested to revise the appropriation for 2004-2005 in the amount of $255,909,500 gross ($231,506,500 net) to the Special Account for the International Criminal Tribunal for Rwanda.

* The report was delayed because of extensive consultation with the Tribunal.

04-58718 (E) 191104

Contents

		Paragraphs	Page
I.	Introduction	1–4	3
II.	Explanation of the changes in net requirements	5–32	4
	A. Variations in budgetary assumptions	6–9	5
	B. Requirements of the Investigations Division for 2005	10–32	6
III.	Conclusions and recommendations	33–34	11
Annexes			
I.	Investigations Division, 2005: proposed organigramme		12
II.	Budgetary assumptions		13
III.	Outreach programme		14
IV.	Progress report on the legal aid system		26

I. Introduction

1. The primary purpose of the first performance report is to identify adjustments to the initial appropriation owing to fluctuations in the rates of exchange and inflation and adjustments to standard costs assumed in the calculation of the initial appropriation.

2. In addition to identifying variations in the costing parameters, the present report takes into consideration decisions taken by the General Assembly in its resolution 58/253 of 23 December 2003, whereby the Assembly, inter alia, decided to approve an initial appropriation for the biennium 2004-2005 in the amount of $235,324,200 gross ($213,275,500 net). By the same resolution, the Assembly decided to approve the proposed resources for the Investigations Division for 2004 and to defer consideration of the resource requirements for the Investigations Division for 2005 until its fifty-ninth session.

3. Accordingly, the present report includes both the technical adjustments of the first performance report as well as the resource requirements of the Investigations Division for the year 2005. It also takes into account a one-time adjustment of $5,062,000 reflecting savings accruing because of economy measures applied during 2004.

4. The revised estimates proposed in the present report reflect an increase of $20,585,300 gross ($18,231,000 net) as compared with the level of the initial appropriation. The distribution of the projected changes and the proposed revised appropriation for the International Criminal Tribunal for Rwanda for the biennium 2004-2005 are set out in tables 1 and 2.

Table 1
Summary of projected expenditures by components and main determining factors
(Thousands of United States dollars)

		Projected changes					
Component	*2004-2005 appropriation*[a]	*Exchange rate*	*Inflation*	*Standards*	*Other changes*[b]	*Total*	*Proposed revised appropriation*
Chambers	9 789.6	(123.4)	(9.1)	-	-	(132.5)	9 657.1
Office of the Prosecutor	48 773.9	(2 615.3)	5 831.2	1 647.3	14 221.5	19 084.7	67 858.6
Registry	176 760.7	(6 958.3)	10 136 1	3 517.3	-	6 695.1	183 455.8
Total requirements (gross)	**235 324.2**	**(9 697.0)**	**15 958.2**	**5 164.6**	**14 221.5**	**25 647.3**	**260 971.5**
Income							
Staff assessment	22 048.7	(452.6)	442.0	730.8	1 634.1	2 354.3	24 403.0
Total requirements (net)	**213 275.5**	**(9 244.4)**	**15 516.2**	**4 433.8**	**12 587.4**	**23 293.0**	**236 568.5**
Projected savings for 2004							(5 062.0)
Total requirements (net) after savings							**231 506.5**

[a] As approved in resolution 58/253.
[b] Pursuant to paragraph 19 of resolution 58/253.

Table 2
Summary of projected expenditures by object of expenditure and main determining factors
(Thousands of United States dollars)

		Projected changes					
Object of expenditure	*2004-2005 appropriation*[a]	*Exchange rate*	*Inflation*	*Standards*	*Other changes*[b]	*Total*	*Proposed revised appropriation*
Posts	145 921.0	(6 842.2)	15 664.0	4 433.8	12 037.4	25 293.0	171 214.0
Other staff costs	5 047.6	(225.3)	(15.3)	-	-	(240.6)	4 807.0
Non-staff compensation	9 267.5	(123.4)	(9.0)	-	-	(132.4)	9 135.1
Consultants and experts	813.7	(45.2)	12.4	-	-	(32.8)	780.9
Travel of representatives	522.1	-	(0.1)	-	-	(0.1)	522.0
Travel of staff	5 462.4	-	0.0	-	550.0	550.0	6 012.4
Contractual services	22 064.7	(982.9)	(81.4)	-	-	(1 064.3)	21 000.4
General operating expenses	13 114.1	(594.8)	(25.6)	-	-	(620.4)	12 493.7
Hospitality	6.9	(0.4)	(0.1)	-	-	(0.5)	6.4
Supplies and materials	3 341.4	(149.0)	(11.5)	-	-	(160.5)	3 180.9
Furniture and equipment	5 807.2	(259.7)	(16.4)	-	-	(276.1)	5 531.1
Improvement of premises	476.6	(21.5)	(0.8)	-	-	(22.3)	454.3
Grants and contributions	1 430.3	-	-	-	-	-	1 430.3
Staff assessment	22 048.7	(452.6)	442.0	730.8	1 634.1	2 354.3	24 403.0
Total requirements (gross)	**235 324.2**	**(9 697.0)**	**15 958.2**	**5 164.6**	**14 221.5**	**25 647.3**	**260 971.5**
Income							
Staff assessment	22 048.7	(452.6)	442.0	730.8	1 634.1	2 354.3	24 403.0
Total requirements (net)	**213 275.5**	**(9 244.4)**	**15 516.2**	**4 433.8**	**12 587.4**	**23 293.0**	**236 568.5**
Projected savings for 2004							(5 062.0)
Total requirements (net) after savings							**231 506.5**

[a] As approved in resolution 58/253.
[b] Pursuant to paragraph 19 of resolution 58/253.

II. Explanation of the changes in net requirements

5. The adjustments required to the initial appropriation as a result of the main determining factors reflected in tables 1 and 2 would yield an increase of $20,585,300 for a total revised appropriation of $255,909,500. Details are as follows:

	(Thousands of United States dollars)	
Initial appropriation (resolution 58/253)	235 324.2	23 December 2003
(a) Variations in budgetary assumptions		
Changes in exchange rates	(9 697.0)	(Based on United Nations operational rates of exchange)
Changes in inflation assumptions	15 958.2	(Based on consumer price indices, post adjustment multipliers promulgated and actual versus budgeted cost-of-living adjustments)
Adjustments to standard salary costs	5 164.6	(Based on analysis of actual payroll data, common staff costs, and staff assessment provisions consequent upon consolidation of post adjustment)
(b) Requirements of the Investigations Division for 2005	14 221.5	(Paragraph 19 of resolution 58/253)
(c) Projected savings for 2004	(5 062.0)	
Revised appropriation	**255 909.5**	

A. Variations in budgetary assumptions

Changes in exchange rates and in inflation assumptions (increase: $6,261,200)

6. The increase in this category is attributable to the impact of changes in inflation ($15,958,200), offset by favourable rates of exchange ($9,697,000) of the United States dollar, primarily against the Tanzanian shilling and Rwanda franc. In the present performance report, the realized exchange rates from January to October 2004 have been applied to 2004 and the October 2004 exchange rate applied to November and December 2004. The resulting figures for 2004 have also been used for 2005. Adjustments resulting from actual experience in 2005 would be implemented in the second performance report. With regard to the revised projected inflation rates applied to all objects of expenditure, the adjustments are based on the latest information available on consumer price indices as well as adjustments resulting from differences in actual post adjustment multipliers for staff in the Professional category and above and actual cost-of-living adjustments of salary scales for staff in the General Service and related categories compared with the assumptions made in the initial appropriations. The revised projected inflation rates proposed are derived from the period from January 2004 to October 2004 and projections are based on data used by the International Civil Service Commission.

Adjustments to standard salary costs (increase: $5,164,600)

7. The increase of $5,164,600 under this heading reflects the net effect of changes to standard costs, common staff costs, vacancy rates and staff assessment rates. Revisions to standard salary costs for 2004 are based on the actual averages experienced so far in the biennium, by category and level. Projections for 2005 are based on the trends experienced in 2004.

8. Common staff costs are budgeted as a percentage of net salaries. Expenditures under common staff costs relate to allowances and benefits, appointment, transfer and separation of staff. These refer to experience relating to the realized ratio of common staff costs to salaries for the biennium 2002-2003.

9. In its resolution 58/253, the General Assembly decided that the average vacancy rate of 18.2 per cent for staff in the Professional and higher categories and 9.7 per cent for staff in the General Service and related categories shall be used as a basis for the calculation of the budget for the biennium 2004-2005. While the average vacancy rate for the biennium can only be determined at the end of that period, on the basis of experience in the biennium to date, the 2004 realized level of vacancies has been 15.1 per cent for staff in the Professional and higher categories and 8.9 per cent for staff in the General Service and related categories. The adjustment to standards to reflect the actual 2004 vacancy factor affects only the budgetary requirements for 2004 and would have no impact on the ability of the Tribunal to recruit in 2005, subject to the lifting of the recruitment freeze owing to the financial situation of the Tribunal. For budgetary calculation purposes for 2005, the initial appropriation vacancy rates of 18.2 per cent for staff in the Professional and higher categories and 9.7 per cent for staff in the General Service and related categories have been retained.

B. Requirements of the Investigations Division for 2005

Table 3
Post requirements of the Investigations Division for the biennium 2004-2005

Category	*Approved 2004*	*Proposed 2005*	*Net additional requirements*
Professional and above			
D-1	1	1	-
P-5	3	3	-
P-4	8	8	-
P-3	49	49	-
P-2/P-1	27	27	-
General Service			
GS (OL)	12	12	-
LL	6	6	-
Total	**106**	**106**	**-**

10. In its resolution 58/253, the General Assembly approved the proposed staffing table for the Tribunal for the biennium 2004-2005, as recommended by the Advisory Committee on Administrative and Budgetary Questions, except for the proposed post and non-post resources of the Investigations Division for 2005, for which the Assembly deferred consideration until its fifty-ninth session. In this regard, the Assembly requested the Secretary-General to submit, in the context of the Tribunal's first performance report for the biennium 2004-2005, a proposal for the resource requirements of the Investigations Division for 2005 and to ensure that the proposal is adequate for the effective implementation of the completion strategy. In response

to that request, the Tribunal has assessed its requirements for 2005 with respect to investigative resources in order to provide support to the Office of the Prosecutor in carrying out pre-trial, trial and appellate work as from 1 January 2005.

11. The point of departure for the proposed requirements of the Investigations Division for 2005 is that the Tribunal would continue to rationalize and streamline its work while ensuring that its resources and activities support the implementation of the revised completion strategy of the Prosecutor.[1] The present proposal takes into consideration paragraph 3 of Security Council resolution 1534 (2004), whereby the Council emphasizes the importance of fully implementing the completion strategies, as set out in paragraph 7 of its resolution 1503 (2003), which calls on the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda to take all possible measures to complete investigations by the end of 2004.

12. Notwithstanding that, the Office of the Prosecutor will be required to maintain its investigative capacity to continue to provide support in respect of preparation of cases for trial, actual trial support, tracking of indicted fugitives and crucial witnesses, coordination of confidential sources and sensitive witnesses, supporting appeals and preparation of cases earmarked for transfer to national jurisdiction. This work is essential not only for the effective implementation of the completion strategy but also for the conduct of criminal trials.

13. Since the first trial started in January 1997, the Tribunal has handed down 15 judgements involving 21 accused. Of these, 18 were convicted and 3 acquitted. Six of these convicts are serving sentences in Mali.

14. As of June 2004, there were seven trials in progress involving 21 detainees in the United Nations Detention Facility in Arusha. Four of these trials are very voluminous: the Butare Case (six accused), the Military I Case (four accused), the Government Case (four accused) and Karemera et al. (four accused). The last two trials commenced in November 2003 and are at a relatively early stage. Two single-accused trials (Gacumbitsi and Ndindabahizi) commenced in July and September 2003, respectively, and the Muhimana trial (one accused) started on 29 March 2004. Judgement for these three single-accused trials is expected in 2004. For the remainder of 2004, it is anticipated that three additional trials involving six detainees will commence. Two of these cases (Simba and Seromba) are single-accused trials and judgements are expected in early 2005. The Military II Case, involving four accused, is expected to conclude in late 2006. Therefore, by the end of 2004, there will be 27 detainees whose trials have either been completed or commenced.

15. Furthermore, by the end of 2004, there will be 15 detainees in Arusha awaiting trial. As requested by the Security Council in its resolution 1534 (2004), the Prosecutor will focus on the most senior leaders suspected of being most responsible for crimes committed within the jurisdiction of the International Criminal Tribunal for Rwanda. On this basis, the Prosecutor intends to transfer the cases of 5 of these detainees to national jurisdiction for trial and to bring to trial the remaining 10 detainees from 2005 onwards. Of these 10 detainees, the Prosecutor intends to bring 8 to trial during 2005. These single-accused trials will consist of Mpambara, Muvunyi, Zigiranyirazo, Karera, Bisengimana, Bikindi, Gatete and Renzaho. These trials will require the Prosecutor to complete investigative activities relating to trial preparation as well as trial support. It is anticipated that the remaining two detainees will be brought to trial from 2006 onwards.

16. It is estimated that during 2005 there will be 13 cases in trial, 8 new cases and 5 existing cases, involving 30 accused (Mpambara, Muvunyi, Zigiranyirazo, Karera, Bisengimana, Bikindi, Gatete, Renzaho, Butare, Military I, Government, Karemera et al. and Military II). With respect to appeals, five appeals involving eight accused (Cyangugu (3 accused); Media (3 accused); Kamuhanda (1 accused); Semanza (1 accused); Kajelijeli (1 accused)) will be proceeding on the merits in 2005. Furthermore, the Appeals Section anticipates that five additional appeals, involving five accused, will commence in 2005 (Gacumbitsi, Ndindabahizi, Muhimana, Simba, Seromba).

17. The activities of the Investigations Division can be divided into three interrelated categories: (i) conventional investigations or investigations into new targets aimed at establishing the commission of an offence, the identification of suspects and the collection of evidence to prove allegations against them; (ii) trial preparation investigation aimed at finding supplementary evidence for a case that is destined for trial, to prepare a case for indictment confirmation and subsequently for trial and to deal with logistical matters, including witnesses, that are necessary to make a case trial ready; and (iii) trial support investigation necessitated by the exigencies of an ongoing trial.

18. As at the time of the present report, conventional investigations account for 25 per cent of the workload of the Investigations Division. Owing to the steady but significant increase in the number of cases brought to trial, the remaining 75 per cent of the current workload will continue to focus on trial support, trial preparation, support for ongoing appeals, the tracking and arrest of indicted fugitives and the preparation of cases for transfer to national jurisdictions.

19. The Office of the Prosecutor anticipates an increased workload for the Investigations Division in 2005 as a result of the increase in the number of simultaneous trials from five to six and the need to prepare a larger number of cases for trial during 2005.

20. Furthermore, it expects that three of its big trials will be concluded either during 2005 or early in 2006. The Prosecutor plans to have all indictments on new investigation targets confirmed before the end of October 2005. This presupposes a demand for trial preparation investigation necessary for preparation and confirmation of indictments. The expectation is therefore that there will be an additional demand for trial preparation investigation work during 2005.

Resource requirements

21. The Investigations Division is based in Kigali and headed by a Chief of Investigations (D-1) who is responsible for formulating and implementing a strategy for providing trial support, directing and managing the activities of the Investigations Division, liaising at the senior level with relevant authorities of the Rwandan Government and acting as a link between the Office of the Prosecutor in Arusha and the Investigations Division in Rwanda. The Chief of Investigations is also empowered to interrogate suspects, interview witnesses and victims, take statements from witnesses and gather evidence against presumed perpetrators of crimes falling under the jurisdiction of the Tribunal. The Chief of Investigations is supported by three Commanders at the P-5 level who provide management and tactical support, including the coordination of the trial support team and the appeals team. **The Division proposes to retain all four posts.**

Support for pre-trial, trial and appeals

Table 4
Breakdown of posts within the Investigations Division

Category	*Office of the Chief*	*Trial support*	*Pre-trial*	*Appeals*	*Intelligence and tracking*	*Common support for trials*[a]	*Total*
Professional and above							
D-1	1	-	-	-	-	-	1
P-5	1	1	-	1	-	-	3
P-4	-	1	3	-	1	3	8
P-3	-	21	11	3	8	6	49
P-2/P-1	3	5	18	1	-	-	27
Subtotal	**5**	**28**	**32**	**5**	**9**	**9**	**88**
General Service							
GS (OL)	2	1	1	-	-	8	12
LL	-	-	-	-	-	6	6
Subtotal	**2**	**1**	**1**	**-**	**-**	**14**	**18**
Total	**7**	**29**	**33**	**5**	**9**	**23**	**106**

[a] Includes support for crime and evidence analysis, legal advice, management of sensitive and difficult sources and witnesses as well as support for archiving, administration and linguistic services.

22. It is anticipated that during 2005 there would be five ongoing active trials, including four cases involving multiple accused. This would result in a proposed staffing level of 27 investigators for trial support (1 P-4, 21 P-3 and 5 P-2) under the supervision and coordination of a team leader at the P-5 level.

23. For pre-trial investigative support, the Tribunal would require a staffing complement of 32 investigators (3 P-4, 11 P-3 and 18 P-2) to support eight new trials.

24. A reduced investigative capacity would be required to support the Appeals Section. The investigative team supporting appellate work would consist of 4 investigators (3 P-3 and 1 P-2) under the supervision and coordination of a team leader at the P-5 level.

25. The Tribunal would require a complement of 63 investigators (4 P-4, 35 P-3 and 24 P-2) for direct pre-trial, trial and appeal support activities as of 1 January 2005.

Intelligence and tracking team

26. The Intelligence Tracking Team Unit is responsible for tracking the whereabouts of indictees with a view to providing timely intelligence to Governments, organizations and entities with arrest capabilities. The Investigations Division is tracking people who were once in power in Rwanda. Recently, the joint effort resulted in the arrest of Yusuf Munyakazi in the Democratic Republic of the Congo, Gaspard Kanyarukiga in South Africa and Ephrem Setako in the Netherlands. As at the time of the present report, the Division is investigating 15 new targets. It is possible that some of those will die and that the Prosecutor may not indict others or transfer some of them to national

jurisdictions. Based on this consideration, the Division estimates that the number of fugitives to track is likely to increase by another 10 when current investigations are completed and indictments are confirmed in 2005. The Unit consists of nine posts (1 P-4 and 8 P-3). In order for the Unit to continue to carry out its functions, the Division proposes to retain the existing staffing component.

27. The Tribunal anticipates a staffing level of six analysts and two legal advisers to provide support to the pre-trial and trial investigative teams in 2005, including five Criminal evidence analysts (1 P-4 and 4 P-3), one Evidence manager at the P-3 level and two Legal Officers at the P-4 level. Three posts at the P-2 level would be required for special assignments. These are regular investigators who work under the direct supervision of the Chief of Investigations. In addition to their normal trial support investigations work, the Chief of Investigations assigns them to special projects from time to time. Such projects include dealing with sensitive and difficult sources and witnesses.

Archiving, administrative and linguistic support

28. The work of the Investigations Division generates large volumes of documents that need to be professionally managed and archived at the end of the mandate of the Tribunal. The Division therefore needs to retain one post of Archivist at the P-3 level.

29. The Investigations Division is currently provided support by 18 posts at the General Service level: four Bilingual Secretaries; one Trial Support Assistant; five Administrative Assistants; one Investigator's Assistant; one Security Officer; and six Language Assistants. The Division proposes to retain all 18 posts.

Summary of requirements of the Investigations Division for 2005

30. The proposed post structure for the Investigations Division for 2005 relates to the continuation of the staffing component approved in 2004, namely 106 temporary posts (88 at the Professional and above categories and 18 posts in the General Service category).

31. The resources under post and staff assessment in the amount of $12,037,400 and $1,634,100, respectively, would provide for the continuation of the aforementioned posts within the Investigations Division for 2005. The requirements relating to staff assessment will be offset by a corresponding amount under income from staff assessment.

32. As explained in the preceding paragraphs, it is anticipated that there will be a continuing need for investigative staff to support pre-trial, trial and appellate work during 2005. In this connection, there would be a continuing need for travel resources. The requirements for travel in 2005 relate to an estimated 280 trips to countries in West and East Africa, Europe and North America as well as travel within Rwanda. Owing to the shift in the nature of the work of the Division from conventional investigations to trial preparation and trial support, it is estimated that roughly 70 per cent of these trips would be made in Rwanda (200 trips) and the remaining 30 per cent outside Rwanda (80 trips) to countries in West and East Africa, Europe and North America. Accordingly, the proposed requirements under official travel of the Investigations Division for 2005 would amount to $550,000.

III. Conclusions and recommendations

33. On 24 June 2004, both the President of the General Assembly and the Security Council were apprised of the serious financial situation facing the Tribunal owing to the failure of Member States to pay their assessed contributions in full and on time. They were also informed that as of May 2004, steps had been taken to freeze recruitment and scale down operations. In addition, the Tribunal has since been receiving authorization to spend (allotments) on a monthly basis. As a consequence of the foregoing, projected expenditures for 2004 reflect a savings of $5,062,000 as compared to the appropriation for 2004. These projected 2004 savings are mainly due to the decision to defer the acquisition of goods and services, curtailment of non-Court related travel and other economy measures. The General Assembly may wish to utilize this savings in approving the revised appropriation for the Tribunal for the biennium 2004-2005.

34. Accordingly, the General Assembly may wish to:

(a) Take note of the present report;

(b) Decide to approve the staffing for the Investigations Division for 2005 as reflected in table 3;

(c) Decide to approve the resource requirement for investigative travel for 2005 in the amount of $550,000;

(d) Decide to offset, in part, the additional requirement in (b) and (c) above by the projected savings in the amount of $5,062,000;

(e) Decide to revise the initial appropriation for the biennium 2004-2005 in the amount of $255,909,500 gross ($231,506,500 net) to the Special Account for the International Criminal Tribunal for Rwanda (see table 5).

Table 5
Financing of the International Criminal Tribunal for the biennium 2004-2005
(United States dollars)

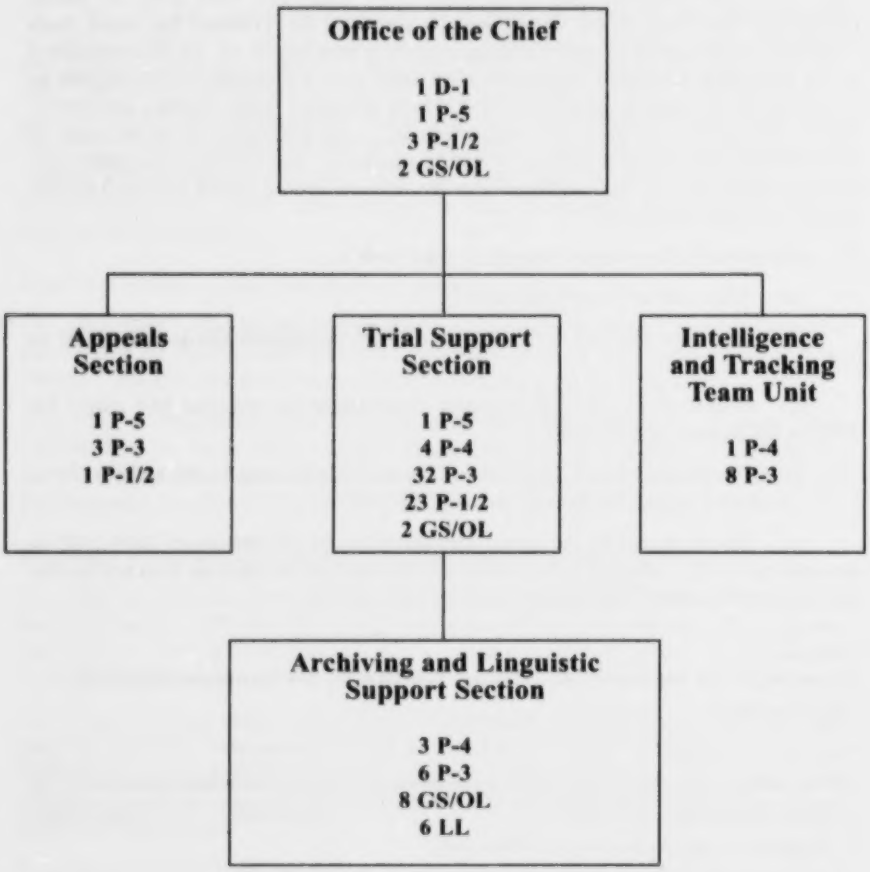
	Gross	*Net*
1. Initial appropriation 2004-2005	235 324 200	213 275 500
2. Proposed changes for the biennium 2004-2005		
a. Changes to budgetary assumptions	11 425 800	10 705 600
b. Requirements for the Investigations Division for 2005	14 221 500	12 587 400
c. Projected savings for 2004	(5 062 000)	(5 062 000)
Total (a+b+c)	**20 585 300**	**18 231 000**
3. Proposed revised appropriation for 2004-2005 (1+2)	255 909 500	231 506 500

Notes

[1] See S/2004/341.

Annex I

Investigations Division, 2005: proposed organigramme



Annex II

Budgetary assumptions

The following parameters were used in formulating the present proposed estimates for the final appropriation:

	Duty station											
	The Hague (euro to US$ 1)				*Arusha (Tanzania shilling to US$ 1)*				*Kigali (Rwanda franc to US$ 1)*			
	Estimates used for the initial appropriation		*Proposed estimates for the revised appropriation*		*Estimates used for the initial appropriation*		*Proposed estimates for the revised appropriation*		*Estimates used for the initial appropriation*		*Proposed estimates for the revised appropriation*	
Budget parameters	*2004*	*2005*	*2004*	*2005*	*2004*	*2005*	*2004*	*2005*	*2004*	*2005*	*2004*	*2005*
Rate of exchange	0.89	0.89	0.82	0.82	1 039.00	1 039.00	1 094.38	1 094.38	530.00	530.00	575.92	575.92
Inflation rate (percentage)	1.9	1.9	1.4	1.5	4.9	4.9	9.8	4.4	5.0	5.0	10.9	7.0
Post adjustment multiplier (percentage)	38.7	38.7	44.3	45.0	24.0	24.0	30.8	35.3	23.2	23.2	30.7	36.7
Vacancy rates for continuing posts (percentage)												
Professional category and above	10.2	10.2	9.5	10.2	18.2	18.2	15.1	18.2	18.2	18.2	15.1	18.2
General Service and related categories	7.3	7.3	7.9	7.3	9.7	9.7	8.9	9.7	9.7	9.7	8.9	9.7
Vacancy rates for new posts (percentage)												
Professional category and above	50.0	50.0	9.5	50.0	16.5	16.5	15.1	18.2	16.5	16.5	15.1	18.2
General Service and related categories	40.0	40.0	7.9	40.0	10.4	10.4	8.9	9.7	10.4	10.4	8.9	9.7

Annex III

Outreach programme

I. Introduction

1. In its resolution 58/253, the General Assembly requested the Secretary-General to submit to the Assembly, at its fifty-ninth session, a report on the outreach programme of the International Criminal Tribunal for Rwanda, with special emphasis on the activities relating to information dissemination and the resources allocated to this function. Moreover, it was requested that the report set forth how future outreach initiatives and coordination with other parts of the United Nations system support the completion strategy and contribute to the reconciliation process in Rwanda. The present report sets out an overview of the work of the outreach programme of the Tribunal since its inception in 1997.

2. The outreach programme is vital in garnering support for the Tribunal's mission. By virtue of the Tribunal's mandate, the Rwandan population, including both those within Rwanda and in the diaspora, is the most important target audience for information about the Tribunal and its work. Moreover the statute of the Tribunal indicates that the prosecutions will "contribute to the process of national reconciliation" and that there is a "need for international cooperation to strengthen the courts and judicial system of Rwanda".

3. In order for the prosecution of the persons responsible for the 1994 genocide to contribute to national reconciliation in Rwanda, as envisaged by the statute of the Tribunal, it is essential that the Rwandan people and, in particular, their political leaders and other opinion-shapers, such as the media and non-governmental organizations, have a good perception and understanding of the work of the Tribunal. This implies a sustained and effective public information programme using a range of techniques, varying according to the audience addressed, to explain the Tribunal's role and work and its relevance to Rwanda.

4. All information services regularly provided by the Tribunal to the international press, academics and practicing lawyers and to international organizations and to Governments are also available to the people of Rwanda. However, owing to a number of factors, reliance on those activities alone would not suffice to ensure successful delivery of information, especially within Rwanda. These factors include the absence of any daily newspapers, the low penetration level and limited resources of Rwandan television, the equally low penetration level of Internet use and, above all, the extremely high rate of illiteracy throughout the country. They require that priority be given to the medium of radio and, where possible, direct interaction with the population and key audience groups.

5. Since its inception, the programme has been conceived as a series of pro-active projects, complementary to the main public information activities of the Tribunal. These projects include awareness-raising within Rwanda, training of jurists, advocates and human rights practitioners and building alliances with academic institutions and media programmes. Of these projects, particular attention has been given to mass media and interpersonal communication in order to convey efficient and persuasive messages to targeted audiences inside and outside Rwanda. Additionally, the

Tribunal contributed to strengthening the capacity of Rwandan lawyers through targeted seminars, a fellowship programme and lectures for Rwandan law students.

6. The resources allocated for the outreach programme in 2004 amount to US$ 265,717, funded from extrabudgetary resources. The programme is expanding to include other activities within and beyond Rwanda. Tables 1 (a) and 1 (b) provide details of the outreach programme for 2004 — Conferences and exhibitions — for the tenth anniversary of the genocide and the establishment of the Tribunal.

II. Information dissemination

A. Use of electronic media

7. Owing to the slow development of information and communication technology in the region, radio communication continues to be the most effective means for reaching out to the people of Rwanda and has been given high priority for the dissemination of information. In one of its first projects, the Tribunal established an office with communications facilities for Radio Rwanda journalists in Arusha where the Trial Chambers are situated. The Radio Rwanda journalist reports daily on the Tribunal's proceedings in Kinyarwanda. Radio Rwanda was chosen as the key partner, as it covers the whole country and is the most efficient medium. The Hirondelle Press Agency, based at the Tribunal, prepares material for broadcast in Kinyarwanda and supplies material for the Kinyarwanda services of the foreign media programmes that are the most popular among the Rwandan audience (BBC and Voice of America).

8. It should also be noted that groups of up to six Rwandan journalists from the broadcast and print media are regularly brought to the Tribunal from Kigali in order to report directly on important events, such as the delivery of judgements, Appeals Chamber sittings and the opening of new trials. Radio Rwanda and Television Rwanda are provided audio and videotapes of the hearings they have attended, which are for broadcast on Radio Rwanda or Television Rwanda. Judgements are also broadcast live in Rwanda by means of a dedicated telephone link to Radio Rwanda.

9. In February 2004, Tribunal officials held discussions with Rwandan government information officials on ways to strengthen bilateral cooperation in disseminating information about the work and relevance of the Tribunal and means to facilitate access for the Tribunal to public and private media. It was agreed that a joint meeting be held between the Tribunal and representatives of the Ministry of Justice to finalize a written agreement on making accessible to the Tribunal time on Radio and Television Rwanda to broadcast news, information and educational programmes specifically targeted at the Rwandan audience.

B. Umusanzu mu Bwiyunge

10. Umusanzu mu Bwiyunge is a Kinyarwanda expression meaning "contribution to reconciliation" and is the name chosen for the Tribunal's information centre in Kigali. The centre is the focal point for the outreach programme and its success since its inauguration in September 2000 has surpassed all expectations. At present,

the centre receives around 100 visitors per day, including students, journalists, civil servants, judges and lawyers as well as the Rwandan general public.

11. The Library, the Internet access and the collection of video archives of trial proceedings before the Tribunal are particularly popular with users. A range of Kinyarwanda documents is also available. However, it has become difficult to translate all legal documents available in Kinyarwanda owing to limited human and financial resources. Other activities, such as press conferences, briefings, computer-assisted legal research training, seminars for journalists and Tribunal-related film shows have taken place at the centre.

12. In 2002, a film about the work of the Tribunal entitled "Justice Today, Peace Tomorrow" was produced in three languages (English, French and Kinyarwanda). Copies of it have been distributed to diverse news agencies, including the Rwandan media.

13. The information centre has also been showing the film. The aim of the film is to convey the message to the people of Rwanda that the organizers of the genocide are being tried, sentenced and convicted by the Tribunal. It is expected that this information will help break the "myth of authority" among the Rwandan people and, consequently, that they will no longer follow orders blindly if they are able to see the genocide leaders being convicted and their ideology refuted by the international legal community.

14. A project to create a special welcome/information room/corner at the information centre so as to provide basic information to the public about the Tribunal is under way. One component of the welcome/information corner will be regular group showings of an introductory film, video or Power Point presentation about the Tribunal followed by briefings and discussions, and the distribution of pamphlets/brochures and other print materials listing the holdings and activities of the Centre.

15. The Tribunal is exploring the possibilities of extending the video signals from the courtrooms during live broadcasts, as in the case of judgements, so that Rwandans are able to watch the proceedings live from the information centre. Currently such programmes are recorded by the Tribunal office in Kigali and broadcast by the Rwandan public media at their discretion.

16. The centre can only provide services to the residents of Kigali and those who can travel to Kigali. However, the Tribunal, with the financial support of the European Commission and in collaboration with the Rwandan Ministry of Justice, plans to set up provincial information centres. These will house computers with Internet access, sound tracks as well as hard copies of Tribunal judgements and other documentation.

17. The use of the Internet and other technological tools has given members of the Rwandan national judiciary greater access to the jurisprudence of the Tribunal and other legal resource materials. This has been especially important for those members of the Rwandan national judiciary working in courts outside the capital. This project has and will continue to contribute to a consistent application of Rwandan law within the country and to the application of Rwandan law in conformity with international legal principles and human rights standards.

18. The availability of materials prepared as a result of the aforesaid projects (e.g. reports, video archives and audiotapes) to the local population and, in particular, to local government officials, teachers, religious leaders and students, will raise awareness about the work of the Tribunal. Moreover, the projects demonstrate both the relevance and the practical usefulness of the Tribunal, particularly as persons suspected of genocidal crimes committed in their own region are brought to trial.

19. The staff of the information centre continue to share documentaries on the Tribunal's proceedings with Rwandans residing outside Kigali with a view to communicating directly. Films on the work of the Tribunal produced by the Internews press agency have been shown in many locations in provincial Rwanda as part of a programme of information for Rwandan people.

III. Capacity-building

A. Rwandan judiciary

20. In keeping with the statute of the International Criminal Tribunal for Rwanda, in which it is requested to strengthen the courts and the judicial system of Rwanda, the Tribunal has organized a number of targeted seminars intended for the Rwandan judicial system.

21. Since 2001, three groups of more than 10 judicial officials have attended a one-week seminar aimed at obtaining first-hand information about the work of the Tribunal and exploring ways of strengthening collaboration in their endeavour to eradicate impunity and promote reconciliation among Rwandans. It is envisaged that more activities, such as training and technical workshops on relevant themes, will be organized soon to allow for knowledge-sharing related to both Tribunal and Rwandan legal systems.

B. Human rights organizations

22. The Tribunal continues actively to cooperate and assist human rights bodies, sharing with them information and expertise related to international criminal law. Senior officials received invitations from various human rights conferences, particularly in Africa, where they conveyed a message for respect of human rights and accountability by leaders.

23. Since 1999, the Tribunal organizes a one-week seminar intended for Rwandan human rights organizations. The aim of the seminar is to raise awareness of the work of the Tribunal among human rights activists and strengthen the capacity of Rwandan human rights organizations in international humanitarian law and criminal jurisprudence. During the reporting period, the External Relations and Strategic Planning Section held its annual seminar attended by the Collectif des ligues et associations de défense des droits de l'homme au Rwanda (CLADHO).

24. The Tribunal staff has been providing lectures on international repression mechanisms as part of the international humanitarian law course organized by the International Committee of the Red Cross and intended for humanitarian workers and policy makers working in the Great Lakes and Horn of Africa regions.

C. Academic and research institutions

25. The Tribunal has also established strong cooperative relationships with various universities in Africa and elsewhere, including the Rwandan National University, the University of Pretoria, the Université libre de Bruxelles, the Université d'Abomey-Calavi de Cotonou (Benin), the Faculté de droit de l'Université de Strasbourg (France), the Centre d'études et de recherche sur le droit et l'administration publique (CERDAP) of the Faculté de droit de l'Université Pierre Mendès France de Grenoble (France) and the European University Institute in Florence (Italy).

D. Special fellowship programme for Rwandan law students

26. Among the many educational and outreach projects established by the Tribunal is a joint cooperative programme with the National University of Rwanda. An annual programme of research awards for students has been instituted and is now in its fourth year. Each year, up to six law students from the National University of Rwanda spend eight weeks conducting thesis research in the Tribunal's library and archives, attending trial proceedings and receiving briefings on various aspects of the Tribunal's work. Each student is assigned a mentor from among the Tribunal's legal staff who supervises and guides the research. Subject to further financial support, it is expected that this programme will be extended to other Rwandan universities.

E. Internship and legal researchers' programmes

27. The Tribunal's internship programme is unlike any in the United Nations system, because its work assignments are of a specialized legal nature and interns assist in many of the core legal functions of the Tribunal. The tasks performed by interns include conducting research on intricate legal issues, summarizing witness testimonies, analysing party submissions, drafting judgements and interlocutory motions, assisting in evidence collection and management, which in some cases involves travel to Rwanda, and visits to genocide massacre sites.

28. Since the Tribunal began its work in 1995, the United Nations-International Criminal Tribunal for Rwanda internship programme has grown from strength to strength. The main beneficiaries of this programme are the Office of the Prosecutor, the Chambers and the Electronic Data Processing Sections. Table 2 sets out statistics on the interns and legal researchers who have served the Tribunal since 1997. A total of 373 interns and 62 legal researchers have completed internships at the Tribunal. At the time of the present report, 45 interns and 20 legal researchers have enrolled in the programme.

29. In addition to affording a unique opportunity to enable young lawyers to engage in the specialized study of international human rights law, the internship programme and the legal researchers programme have contributed to the development of dedicated lawyers and advocates, committed to furthering the development and implementation of international human rights standards.

30. These practical training assignments have given graduates from diverse academic and cultural backgrounds an opportunity to gain practical experience in the public sector domain and acquire first-hand experience in one of the most

significant developments in the international framework of accountability. The programmes have provided a unique opportunity for young lawyers interested in the field of human rights to participate in the development of a challenging and innovative institution in international law.

F. Media

31. In partnership with the Hirondelle Press Agency and the BBC, training programmes have been organized for Rwandan journalists. The programmes, presented in English, French and Kinyarwanda gave technical information on court procedures and international criminal law (provided by Tribunal officials) as well as training in the techniques of legal journalism and ethics (provided by the news agencies).

32. The Tribunal continues to raise awareness about its work among African journalists. In this regard, journalists from 14 African countries in post-conflict situations held a two-week seminar and reflected on the implications of judgements on the media case and on the work of African journalists. It is anticipated that other seminars for African journalists will continue to be held.

33. In reaching out to the Rwandan people, the Tribunal has also developed a strategic partnership with Internews, a United States non-profit non-governmental news media organization, which contributed financially towards the construction of the Tribunal press centre, Arusha. Internews plays a key role in the Tribunal's implementation of its global communication and outreach strategy in Rwanda by ensuring a wide dissemination of its work through regular public screenings of Internews films in Rwandan provinces in close cooperation with the External Relations Section of the Tribunal.

IV. Visits, conferences and exhibitions

34. Senior officials of the Tribunal visited Rwanda with a view to strengthening cooperation with the Rwandan Government and enhancing the understanding of the various survivors' groups with respect to the Tribunal's significance to Rwandans, in particular, and international justice, in general. These visits to Rwanda have had a positive impact on the ongoing cooperation between the Tribunal and the people of Rwanda.

35. Senior Tribunal officials also attended various international conferences which reflected upon such themes as the rule of law in Africa, humanitarian law and the role of international justice. These conferences also provided a significant opportunity to disseminate information on the work and achievements of the Tribunal.

36. In May 2003, the Tribunal became the first organization of its kind to receive a human rights award from the Friedrich Ebert Foundation. The award, which recognized a significant contribution to human rights, was conferred in acknowledgement of the Tribunal's unwavering support for the due process of law and its contribution to the goal of national reconciliation following the Rwandan genocide.

37. Since 2002, the Tribunal has organized 10 exhibitions in Europe and Africa. These exhibitions were intended to inform the international community of the

Tribunal's mandate and achievements and to mobilize more concrete and active support from the international community to the work of the Tribunal.

38. During the exhibitions, panel discussions centred around topics pertaining to international criminal law and the contribution of the Tribunal to national reconciliation in Rwanda.

V. Inter-agency cooperation

39. The Tribunal has been involved in all awareness activities of the United Nations family in Rwanda, such as organized "United Nations days" and other special observances. These special events have provided another opportunity for promoting the work of the Tribunal. It has also contributed to a joint publication of United Nations agencies in Rwanda — *United Nations system in Rwanda 10 Years After* — as part of the events to mark the tenth anniversary of the genocide. The book highlights the achievements of the United Nations in the last 10 years.

40. The United Nations information centres played a crucial role in all exhibitions that the Tribunal organized, providing technical support and help to mobilize the media and participants for the exhibitions.

41. Over the past years, the Tribunal has developed working partnerships with various United Nations information centres in Africa and Europe, thereby increasing the Tribunal's information outreach to hundreds of organizations and groups. The Tribunal intends to extend the close working relationship with other United Nations information centres in order to broaden its audience base further.

42. The Tribunal shared its expertise with many United Nations agencies in Rwanda and elsewhere in Africa, particularly in the area of international law, interpretation and translation.

VI. Future outreach initiative

43. The Security Council, in its resolution 1503 (2003) calls upon the International Criminal Tribunal for Rwanda (and the International Criminal Tribunal for the Former Yugoslavia) to complete all work in 2010. In keeping with that resolution, the Tribunal has developed an awareness campaign that will help inform and enlist support from the international community and other appropriate institutions. In this regard, the support from other United Nations agencies and United Nations information centres will be crucial in promoting the current and future work of the International Criminal Tribunal for Rwanda.

44. To this end, the International Criminal Tribunal for Rwanda intends to strengthen its cooperation with the Office of the United Nations High Commissioner for Refugees in order to allow the smooth travel of refugees who come to testify before it, thereby contributing to expediting cases pending before the Tribunal.

45. In Rwanda, cooperation in operational matters among the United Nations agencies has undergone qualitative and quantitative changes with the implementation of the United Nations Development Assistance Framework in recent years. One of the goals of the common framework for the United Nations system in

Rwanda is to support the Government and society to deeply root the rule of law and promote and protect human rights, within a spirit of national reconciliation.

46. The Tribunal intends, along with other United Nations agencies, to use its provincial information centres in Rwanda in order to engage key target groups and inform them about United Nations values. Additionally, the provincial information centres serve as a tool for fostering a culture of accountability and mobilizing the population for active involvement in the promotion of human rights. This activity will continue to be carried out with the purpose of improving understanding of the work of the International Criminal Tribunal for Rwanda and its relevance to national reconciliation in Rwanda.

Table 1 (a)
Outreach programme for 2004 — conferences and exhibitions

Rwanda/Africa	*Europe*	*North America*	*International Criminal Tribunal for Rwanda*
	4 March, international conference in Paris		
	19-20 March, conference in Brussels		
	27 March, Never Again Rwanda Forum in London	26-28 March, genocide conference, Concordia University, Montreal, Canada	15 March, launch Tribunal anniversary web site
4-6 April, international conference in Kigali		1 April, Forum on impunity in Africa, Washington, D.C.	1 April, special issue of Newsletter; premiere of Tribunal film/video
4-7 April, International Criminal Tribunal for Rwanda/United Nations Information Centre events in Dar es Salaam with embassies and missions	17 April, Survivors' Fund programme in London	21 April, Panel on Judicial Accountability, Washington, D.C.	1-30 April; Tribunal exhibition in Washington, D.C.
7 April, Commemoration Day in Rwanda			7 April, Tribunal staff observance events, Tribunal exhibition, Arusha/Dar es Salaam Tribunal exhibition in Rwanda
7 April, Celebration Day by African Union Commission in Addis Ababa	8 May, commemoration in Brussels	May, AVEGA benefit theatre production, Washington, D.C.	May, Tribunal exhibition in Brussels and The Hague

Rwanda/Africa	*Europe*	*North America*	*International Criminal Tribunal for Rwanda*
			May, Tribunal/Kigali Institute of Science and Technology/Université libre de Kigali law seminar
			May, Premiere Tribunal anniversary film, Tribunal exhibition in Boston, United States of America
			1-14 June, exhibition in St. Louis, United States of America
		25-27 June, commemorative conference, Toronto, Canada	17-30 June, Tribunal exhibition in Montreal and Toronto, Canada
	7 July, United Nations Association and United Kingdom Bar Association conference on international law in London		3-10 July, Tribunal exhibition in London Project on International Courts and Tribunals seminar with the International Criminal Tribunal for the Former Yugoslavia
			August, exhibition in Germany
			2-7 August, release of film and panel discussion of "The Media Case"
September, international law conference, Kigali			September, international law conference in Kigali
		14-16 October, genocide conference, California State University, Sacramento	October, Tribunal exhibition in California, United States of America
			24-31 October, United Nations Week, Tribunal exhibition in New York

Table 1 (b)

Programmes/activities for the tenth anniversary of the genocide and the establishment of the International Criminal Tribunal for Rwanda

1. Development and launching of the International Criminal Tribunal for Rwanda genocide anniversary web site
2. Production and distribution of film/video of Tribunal achievements
3. Production and distribution of film/video of witness/survivors' perspectives of the Tribunal
4. Production and distribution of special editions of the Tribunal Newsletter
5. Organization of a memorial service/vigil and victims' recognition programme for Tribunal staff
6. Hosting of Tribunal exhibition(s) in Arusha and Dar es Salaam
7. Hosting of Tribunal exhibition(s) in Kigali
8. Hosting of Tribunal exhibition(s) in Europe
9. Hosting of Tribunal exhibition(s) in North America
10. Organization of an international justice and humanitarian law conference with the Centre for Conflict Management/National University of Rwanda
11. Arrangement of a commemorative publication of law conference proceedings
12. Encouraging participation of the Tribunal and others in seminars/symposiums with Kigali academic institutions Kigali Institute of Science and Technology/Kigali Institute of Education/Université libre de Kigali
13. Sponsoring/promotion of a memorial monument to the genocide victims
14. Production of film/video on "The Media Case"
15. Organization of a colloquium on the challenges of international criminal justice

Table 2

Statistics related to interns and legal researchers (1997-2004)

Interns and legal researchers 1997-2004

Nationalities	*Year of Internship/Placement*								*Interns/LRs*			*Gender*	
	1997	*1998*	*1999*	*2000*	*2001*	*2002*	*2003*	*2004*	*Total*	*Interns*	*LRs*	*Male*	*Female*
Australia			1	1	3		3	1	9	9		5	4
Austria						1	2		3	3		1	2
Belgium					2		3	3	8	8		4	4
Benin				2					2	2		2	
Burundi					1		1	2	4	2	2	3	1
Cameroon		1			1	4	3	1	10	3	7	8	2
Canada		1	2	3	2	2	2	5	17	17		9	8

Interns and legal researchers 1997-2004

Nationalities	*Year of Internship/Placement*								*Interns/LRs*			*Gender*	
	1997	*1998*	*1999*	*2000*	*2001*	*2002*	*2003*	*2004*	***Total***	*Interns*	*LRs*	*Male*	*Female*
China								1	**1**		1	1	
Czech Republic					1			1	**2**	2			2
Democratic Republic of the Congo	1			1		2	3	1	**8**	4	4	6	2
Denmark					1				**1**	1			1
Eritrea							1		**1**	1	1		1
Ethiopia					1			2	**3**	2	1	2	1
Finland					1				**1**	1			1
France		1	2	2	2	1	7	4	**19**	19		5	14
Germany			1	2	11	3	9	3	**29**	29		10	19
Ghana					1		2	1	**4**	2	2	1	3
Guyana						1			**1**		1		1
India		1	1			1	1	2	**6**	4	2	3	3
Indonesia (West Timor)						1			**1**		1		1
Ireland			1				1		**2**	2			2
Israel							1		**1**	1			1
Italy				2	2	1	6	1	**12**	12		4	8
Jordan						1	1		**2**	1	1	1	1
Kenya					3	5	5	2	**15**	10	5	6	9
Kosovo							1		**1**	1			1
Lesotho						1			**1**		1		1
Liberia							1		**1**	1			1
Malawi						1	1	1	**3**	1	2	1	2
Malaysia				1					**1**	1			1
Malta				1					**1**	1			1
Mexico			1						**1**	1		1	
Morocco				1				1	**2**	1	1	2	
Netherlands		1		1	2	2	5		**11**	11		5	6
New Zealand				1	2				**3**	3		1	2
Nigeria				2	3	1	1	2	**9**	7	2	2	7
Norway		1		1			2	3	**7**	7		1	6
Pakistan								2	**2**	1	1	1	1
Republic of Korea								1	**1**	1			1
Russian Federation							1		**1**	1		1	
Rwanda				4	9	2	3	3	**21**	13	8	14	7
Senegal					1	2	2		**5**	3	2	4	1
Sierra Leone					2	2	1		**5**	5		2	3
Singapore							1		**1**	1		1	
Somalia						1			**1**	1		1	

Interns and legal researchers 1997-2004

Nationalities	Year of Internship/Placement									Interns/LRs		Gender	
	1997	1998	1999	2000	2001	2002	2003	2004	Total	Interns	LRs	Male	Female
South Africa					1	1			2	1	1		2
Spain			1				1		2	2			2
Swaziland							1		1	1		1	
Sweden		1	1	1		1	2	2	8	8		2	6
Switzerland				1		1	3	1	6	6		2	4
Trinidad and Tobago					1	1			2	2			2
Uganda	1			1	1	1	3	2	9	5	4	3	6
Ukraine		1							1	1		1	
United Kingdom			1	6	2	2	4	5	20	20		7	13
United Republic of Tanzania			1	3	8	7	17	10	46*	39	7	17	29
United States of America			9	6	9	26	24	16	90	90		46	44
Zambia						1	1	1	3	1	2		3
Zimbabwe						2	2	1	5	2	3	2	3
Total	**2**	**8**	**22**	**43**	**73**	**78**	**128**	**81**	**435**	**373**	**62**	**189**	**246**
												43.40%	**56.60%**

* 24 lawyers; 22 electronic data processing/management information systems.

Interns and legal researchers (1997-2004)

Category	Number	Percentage
Interns		
Male	160	42.9%
Female	213	57.1%
Legal researchers		
Male	29	46.8%
Female	33	53.2%
Total		
Male	189	43.4%
Female	246	56.6%

Annex IV

Progress report on the legal aid system

I. Introduction

1. In its resolution 58/253, the General Assembly requested the Secretary-General to continue to reform the legal aid system, taking into account the recommendations contained in the comprehensive report or other reforms deemed more appropriate by the Tribunal, as a top priority, and to report on the implementation and consequent savings in defence costs in his performance report for the biennium 2004-2005.

2. The legal system of the International Criminal Tribunal for Rwanda is based on the principle that an accused person shall be entitled to have legal assistance assigned to him or her, in any case where the interests of justice so require, and without payment by him or her in any such case if he or she does not have sufficient means to pay for it (article 20 of the statute).

3. Since the Tribunal's inception in 1995, when the notion of a sophisticated legal aid system was non-existent, the Tribunal has progressively, culminating in 1 September 1998, established a consolidated guideline for management of the defence counsel's intervention under the legal aid programme. The guideline was issued in the framework of the permanent process of maintaining a sustainable legal assistance programme through improved assistance to defence teams and aimed at rationalizing the management of available limited resources.

II. Cost structure

A. Remuneration

4. Under the current legal aid system of the Tribunal, remuneration of counsels is based on an hourly payment for the pre-trial, trial and appeal stages. Until November 2002, the lead counsel was entitled, subject to billing, to a ceiling of 175 hours per month irrespective of the stage of the trial. Since the adoption and implementation of the legal aid reform in late 2002, the ceiling for the pre-trial stage of procedure, subject to billing, has been reduced to 100 hours per month. For co-counsel, the ceiling is 250 hours for the entire pre-trial stage and 350 hours for the appeal stage. During the trial, the co-counsel is remunerated under the same regime as the lead counsel. The lead counsel's hourly rate depends on experience. The rate varies from US$ 80 to $110. For co-counsel, irrespective of experience, the hourly rate is $80.

B. Expenses

5. Apart from remuneration to the counsel, the current legal aid system of the Tribunal is, based on a prior approval by the Registry, responsible for costs and expenses relating to investigative and procedural steps, measures taken for the production of evidence to assist or support the defence, expenses for the ascertainment of facts, consultancy and expert opinion, transportation and

accommodation of witnesses, postal charges, registration fees and taxes or similar duties. The current legal aid system allows counsel to employ, apart from co-counsel, a legal assistant and investigator under conditions of remuneration fixed by the Tribunal. The legal aid scheme covers travel costs. To reduce defence counsel travel expenses, only the lead counsel or the co-counsel are entitled to travel to Arusha for all pre-trial hearings. Counsels are entitled to only three trips during the pre-trial stage. Furthermore, coordination meetings held in Arusha for the defence team, counsel and co-counsel, have been reduced to two.

III. Reforms

6. In response to General Assembly resolution 57/289, the Registry hired an external consultant to review the legal aid system of the Tribunal and to provide recommendations for the improved management, monitoring and control of the expenses of the system.

A. Eligibility for the legal aid programme

7. One of the major concepts introduced by the reforms in May 2003 is the notion of partial indigence. This concept allows the Tribunal to cover just a portion of the costs incurred by representation of an accused person capable of paying some, but not all, of the cost of defence. The threshold for indigence is fixed at $10,000. The Tribunal introduced a formula to determine its contribution to the cost of the judicial proceedings (the pre-trial, trial and appeal stages) of the partially indigent accused. The formula takes into account the estimated defence costs of judicial proceedings and the accused person's financial capacity derived from the value of property available to the accused and/or to the family members residing with the accused. The share of the partially indigent accused to the cost of the judicial proceedings shall be his/her disposable assets less the threshold of $10,000. Thus, the Tribunal's share is the excess of the estimated cost of the judicial proceedings over the net worth of the partially indigent accused.[a]

8. At this point in time, it is too early to determine actual savings that might arise from the introduction of the notion of partial indigence. All but two of the Tribunal's accused persons have been determined fully indigent pending the outcome of investigations being conducted by the Tribunal's Financial Investigator. Under the legal aid programme currently in place, the Tribunal's liability to the two former defence investigators amounts to approximately $10,000 in respect of investigative work for the Tribunal.

9. The Tribunal's Financial Investigator, who took office on 11 September 2003, finalized his plan of action, which was subsequently approved by the senior management of the Registry. He has almost completed in-house investigations concerning the financial position of 50 per cent of the accused persons presently detained at the United Nations Detention Facility. He is now developing the working relationship to be established between the Tribunal and Member States, especially those where the accused persons are alleged to have most assets. Once other accused persons are found to be partially indigent, there will be a positive financial impact on the Legal Aid Fund. It is hoped that the Rwandan Government will assist the Financial Investigator in this exercise.

B. Monitoring and control of defence costs

10. Since the introduction of measures set out in the Tribunal's report on the reform of its legal aid programme, the monitoring and management of upward trends of defence costs is more effective. Requiring a plan of action from lead counsel, the need for confirmation from lead counsel of the existence of an agreed defence strategy with the accused, tighter assessment of reasonableness of hours billed by defence team members and concentration of assistance on cases on trial stage has proven to be extremely beneficial in the management of the Legal Aid Fund. Furthermore, in April 2004, article 22 of the directive on the assignment of defence counsel was amended to institute a time frame for the submission of monthly claims.

C. Effects of the reforms

11. In 2001, before the legal aid reform, defence costs for the pre-trial stage were in the range of $3.3 million. When comparing defence costs for 2002 and 2003 against the 2001 figure, it is noted that in 2002, costs had dropped by some 55 per cent to roughly $1.5 million. This trend continued into 2003 when defence costs totalled roughly $1.5 million, thereby reflecting a decrease of approximately 62 per cent against the 2001 figure. For aggregate defence costs for all trial stages, the average monthly defence costs dropped by 22.5 per cent, from $930,000 in 2001 to $724, 000 in 2004.

12. Despite elaborate guidelines on assessment of defence costs developed by the Registry to rationalize and enable more objective and efficient assessment of defence costs, defence counsel has reacted negatively and raised serious concerns and objections to the reforms. Defence counsel indicated that such measures were severe and in contempt of its independence.

13. In January 2004, defence counsel took concerted action and boycotted scheduled hearings for two days. The Tribunal engaged defence counsel in discussion to better explain the reasons and rationale behind the measures taken and to assure defence counsel that the legal aid reform programme is implemented in strict compliance with the provisions of the Tribunal's basic documents.

IV. Scope of future reforms

14. The Tribunal is currently considering, in coordination with the International Criminal Tribunal for the Former Yugoslavia,[b] the recommendation made by the consultant of the International Criminal Tribunal for Rwanda to have the assessment and audit of work performed by defence teams conducted by an independent team. It has been agreed by representatives of both Tribunals that a group of independent experts, composed of one legal aid expert and two jurists from both the common and civil law systems in Africa and Europe, be appointed to formulate very clear proposals for the functioning of an independent team. Repeated contacts have been made with the South African Law Society to assist in identifying the expert from the common law system in Africa and a response is pending.

15. In addition, the International Criminal Tribunal for Rwanda is considering the consultant's further recommendation limiting assignment of defence counsel to counsel from the African region.[c] There are reservations, because of prohibitive travel costs within Africa, as to whether the recommendation will reduce defence costs of the legal aid programme. Moreover, the recommendation will only apply to future cases. The system with defence counsel from all over the world will continue to apply to accused persons whose cases are currently on appeal (11), being tried (22) or are awaiting trial (22). The implementation will not affect 55 accused persons currently in the jurisdiction of the Tribunal. Under the Tribunal's completion strategy, the Tribunal may complete trials involving a maximum of from 60 to 70 accused persons by the end of 2008. Implementing the recommendation will therefore apply only to a limited number of accused persons. Moreover, such a recommendation would be cost-effective only if counsels are assigned from countries surrounding the United Republic of Tanzania, as counsels assigned from throughout Africa may result in costlier travel than, for instance, from certain parts of Europe. In such a case, it would be difficult on a cost-effectiveness basis to justify the exclusion of European lawyers if their travel expenses are lower.

16. The Tribunal's reform programme is ongoing. The Tribunal is considering the possible implementation of the lump-sum payment system at least for the single cases in which hearing has not yet started. Full consideration of the International Criminal Tribunal for the Former Yugoslavia lump-sum payment system has been made through cross-working visits between the relevant departments of the two Tribunals. It is noted that the lump-sum system of payment being applied by the International Criminal Tribunal for the Former Yugoslavia for the pre-trial stage is in its experimental stage and there are still difficulties in its implementation. The International Criminal Tribunal for Rwanda is monitoring the application of this system with the hope that it can be introduced in the "single accused case". At present, however, the existing hourly system is being maintained.

V. Conclusion

17. The International Criminal Tribunal for Rwanda will continue to review and refine mechanisms introduced to control and manage defence costs. The demands on the legal aid system are substantial and commensurate with the high level of judicial activity of the Tribunal and the number of accused persons in detention. The developments in the administration of the Legal Aid Fund have resulted in a more streamlined, rationalized system which minimizes potential for abuse while at the same time ensuring that the accused is given quality representation.

Notes

[a] A/58/366, paras. 33-35.

[b] See A/58/288.

[c] See A/58/366, paras. 41 and 42.